

## REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-20 were pending in the application, of which Claims 1, 9, and 16 are independent. In the Office Action dated May 6, 2005, claims 1-4 and 7-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,189,114 to Orr (hereinafter "*Orr*"). Claims 1, 9, and 16 were objected to for the use of the term "capable of." Claims 5-6 and 19-20 were objected to, but were deemed allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Following this response, claims 1, 2, 6, 8, 9, 15, 16, and 20 have been amended, claims 5 and 19 have been canceled, and claims 21 and 22 have been added. Applicants hereby address the Examiner's rejections in turn.

### I. Claim Objections

Claims 1, 9, and 16 were objected to for the use of the term "capable of." Claims 1, 8, 9, 15, and 16 have been amended to remove the term "capable of." Accordingly, the applicants respectfully request that the corresponding objection to claims 1, 9, and 16 be withdrawn.

### II. Claim Rejections

#### Independent Claim 1

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by *Orr*. The applicants have amended independent claim 1 to more clearly reflect one aspect of the present invention. The applicants respectfully submit that *Orr* fails to teach, describe, or suggest each recitation of independent claim 1. In particular, *Orr* does not describe or suggest, "receiving the one or more diagnostics modules transmitted from a remote server computer" as recited by claim 1.

In rejecting claim 1, the Office Action suggests that *Orr* describes a client computer that retrieves diagnostics modules from a remote server. However, the applicants submit that *Orr* describes a system in which a control computer instructs a file

server to execute diagnostic code that includes a plurality of diagnostic modules located in the memory of the file server. The control computer defines which diagnostic modules are to be executed by the file server, but does not retrieve the diagnostic modules from the file server. The diagnostic modules test one or more components of the file server and are located within the memory of the file server. Because the diagnostic modules are already stored on the server to be tested, without being transmitted from a remote server, *Orr* fails to describe each recitation of claim 1. The applicants have amended claim 1, not for patentability purposes, but only to clarify that a transmission of one or more diagnostics modules occurs from a remote server, an act that is not described or suggested by *Orr*.

Additionally, the Office Action suggests that the run list described by *Orr* is equivalent to retrieving a diagnostics module. However, the run list is defined and stored on the file server to be tested. The control computer defines which diagnostic modules are to be executed during testing, and in response, “a run list is defined in the data processing system . . . [and] stored in CMOS RAM.” *Orr*, column 3, lines 16-18. Consequently, the run list is not equivalent to a diagnostics module and the process of defining the run list is not equivalent to “receiving the one or more diagnostics modules transmitted from a remote server computer” as recited by claim 1. Accordingly, for at least these reasons, the applicants respectfully submit that independent claim 1 is patentable over *Orr*.

### Dependent Claim 3

Claim 3 was rejected under 35 U.S.C. § 102(b) as being anticipated by *Orr*. The applicants respectfully submit that *Orr* fails to teach, describe, or suggest each recitation of dependent claim 3. In particular, *Orr* does not describe or suggest, “retrieving from the remote server computer a data file containing data identifying the one or more diagnostics modules necessary to test the hardware component” as recited by claim 3. As discussed above with respect to independent claim 1, a run list is defined in the data processing system described by *Orr* that identifies which diagnostics modules are to be executed during testing. However, this run list is not retrieved from the remote server computer to be tested since it is stored in the computer to be tested and utilized by the

computer to be tested. For at least this reason, and because claim 3 depends from allowable independent base claim 1, dependent claim 3 is allowable over *Orr*.

#### Independent Claim 9

Claim 9 was rejected under 35 U.S.C. § 102(b) as being anticipated by *Orr*. The applicants have amended independent claim 9 to more clearly reflect one aspect of the present invention. The applicants respectfully submit that *Orr* fails to teach, describe, or suggest each recitation of independent claim 9. In particular, *Orr* does not describe or suggest, “receiving the diagnostics module transmitted from the remote server computer” as recited by claim 9. As discussed above with respect to independent claim 1, *Orr* does not teach, suggest, or describe transmitting a diagnostics module from a remote server computer. Accordingly, for at least the reasons discussed above, independent claim 9 is allowable over *Orr*.

#### Independent Claim 16

Claim 16 was rejected under 35 U.S.C. § 102(b) as being anticipated by *Orr*. The applicants have amended independent claim 16 to more clearly reflect one aspect of the present invention. The applicants respectfully submit that *Orr* fails to teach, describe, or suggest each recitation of independent claim 16. In particular, *Orr* does not describe or suggest, “a client computer operative to . . . receive a diagnostics module operative to test the component transmitted from a server computer in response to the request” and “the server computer operative to . . . transmit the diagnostics module to the client computer in response to a request” as recited by claim 16. As discussed above with respect to independent claim 1, *Orr* does not teach, suggest, or describe transmitting a diagnostics module from a remote server computer to a client computer. Accordingly, for at least the reasons discussed above, independent claim 16 is allowable over *Orr*.

#### Dependent Claim 17

Claim 17 was rejected under 35 U.S.C. § 102(b) as being anticipated by *Orr*. The applicants respectfully submit that *Orr* fails to teach, describe, or suggest each recitation of dependent claim 17. In particular, *Orr* does not describe or suggest, “wherein the

server computer is further operative to store and to transmit to the client computer a data file containing data identifying the one or more diagnostics modules necessary to test the hardware component” as recited by claim 17. As discussed above with respect to claims 1 and 3, *Orr* describes a file server operative to store a run list, but the run list is not transmitted to the control computer. For at least this reason, and because claim 17 depends from allowable independent claim 16, dependent claim 17 is allowable over *Orr*.

#### Dependent Claim 18

Claim 18 was rejected under 35 U.S.C. § 102(b) as being anticipated by *Orr*. The applicants respectfully submit that *Orr* fails to teach, describe, or suggest each recitation of dependent claim 18. In particular, *Orr* does not describe or suggest, “wherein the client computer is further operative to transmit to the server computer a request for authorization to execute the diagnostics module prior to execution and wherein the server computer is further operative to determine whether execution of the diagnostics module is authorized and to provide a response to the client computer either authorizing or prohibiting the execution of the diagnostics module” as recited by claim 18. *Orr* does not disclose transmitting a request for execute authorization from the control computer to the file server prior to execution. *Orr* further does not describe the file server providing a response to the control computer authorizing or prohibiting execution of the diagnostics module. For these reasons, and because claim 18 depends from allowable independent base claim 16, dependent claim 18 is allowable over *Orr*.

#### Dependent Claims 2, 4, 6-8,10-15, and 20

Because *Orr* fails to teach, suggest, or describe the recitations of claims 2, 4, 6-8,10-15, and 20 and because claims 2, 4, 6-8,10-15, and 20 depend from allowable independent claims 1, 9, 16, 21, and 22, dependent claims 2, 4, 6-8,10-15, and 20 are allowable over *Orr*.

### III. Allowable Subject Matter - New Claims 21 and 22

The Office Action stated that claims 5-6 and 19-20 would be allowable if rewritten in independent form including all the limitations of the base claim and any

intervening claims. The applicants have rewritten claim 5 in independent form as new claim 21. Similarly, claim 19 has been rewritten in independent form as new claim 22. Dependent claims 6 and 20 have been amended to depend from new claims 21 and 22 respectively. Consequently, the applicants submit that claims 6, 20, 21, and 22 are in condition for immediate allowance.

IV. Conclusion

In view of the foregoing amendment and remarks, the applicants respectfully submit that the present application is in condition for allowance. Reconsideration and reexamination of the application and allowance of the claims at an early date is solicited. If the Examiner has any questions or comments concerning this matter, the Examiner is invited to contact the applicants' undersigned attorney at the number below.

Respectfully submitted,

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